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BRITISH INFLUENCE

ON THE

AFFAIRS

OF THE

UNITED STATES,

PROVED AND EXPLAINED.

"TRUTH IS GREAT, AND WILL PREVAIL."

NO complaint has been more frequent, than that of an Influence exercised by Great-Britain over our people, through the medium of Commerce.—Altho' we hear much at one time of our OWN *great power as a Nation of Debtors: Yet we are told the next moment, that we are the Slaves of our British Creditors. Addresses to our pride, vanity and covetousness, keep our passions up, and reason down; and in this condition we have been urged to accommodate the policy of the Nation to the partial views of some private interests or personal resentments.—The permanent welfare of the Country requires that this subject should be well understood.*

BOSTON:
PRINTED BY YOUNG AND MINNS,
PRINTERS TO THE STATE.
1804.

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BRITISH INFLUENCE, &c.

THE Treaty between the *United States* and *Great-Britain*, which was negociated by Mr. JAY, in the year 1794, has, in reſpect to the immediate ſubjects of controverſy, been ſatisfactorily executed; and the articles regulating the commercial intercourſe of the two countries, have expired by their own limitation. The good, and the evil, which this treaty occaſioned, are therefore now ſuſceptible of a juſt eſtimate; and the preſent is a proper period for recalling the public recollection, to the cauſes and effects of a meaſure, which, in its inception, and during every ſtage of its progreſs, was perſeveringly calumniated and oppoſed; and which, in conſequence of inveterate prejudices, is, to the preſent day, a topic of party invective, againſt the federal adminiſtration.

To thoſe who are incapable of diſcovering the ſecret motives which govern Mr. JEFFERSON, and his aſſociates of the *Virginia* party, it has appeared ſurpriſing, that the convention negociated by Mr. KING, in purſuance of inſtructions from the federal adminiſtration, ſhould have attracted ſo little attention. By this convention, the ſum of £.600,000 ſterling, or nearly *three millions of dollars*, is payable at the treaſury of the *United States*, for loſſes ſuſtained by Britiſh ſubjects, in conſequence of the non-execution of the 4th article of the Treaty of

Peace, which required that "there ſhould be no "lawful impediment to the recovery of the full "value, in ſterling money, of all *bona fide* debts, "contracted before the war."

The payment of ſo conſiderable a ſum as *three millions of dollars*, for any purpoſe whatever, except for the reduction of the funded debt, or the purchaſe of *new lands*, for the purpoſe of extending the "bleſſings of freedom," muſt appear to be a ſtrange departure from the economical maxims of the preſent adminiſtration: But that ſuch a ſum ſhould be paid to *Britiſh ſubjects*, for loſſes in the recovery of *private debts*; that a convention ſhould be made in ſupport of the 4th article of the *Treaty of Peace*, which, for twenty years, had been the cauſe of the moſt vehement controverſies; that it ſhould contain an *expreſs recognition* of a ſtipulation in Mr. JAY's Treaty, which had been repeatedly ſtigmatized as a degrading ſurrender of the judicial honor of this country; that the obligation ſhould be ratified by democratic Senators, though formed by Mr. KING, a gentleman highly eſteemed and revered by the federal party;—theſe are indeed aſtoniſhing phenomena. They are, however, ſuſceptible of explanation; and when this paper is peruſed with attention, it is believed, that all candid men will concur with the poet, that,

"The clue once given, unravels all the reſt,
"The proſpect clear'd, *Virginia* ſtands confeſt."

It is a firmly eſtabliſhed opinion of men well verſed in the hiſtory of our revolution, that the *whiggiſm of Virginia* was chiefly owing to the *debts of the planters*. It is certain that their *creditors* were among the *firſt objects* of a ſevere and impolitic hoſtility, which occaſioned great diſſatisfaction among reflecting men in this country, and deeply injured the popularity of

the *American* cauſe in *Great-Britain*. It is alſo certain, that meaſures of a very extraordinary nature were adopted during the war, for the purpoſe of extinguiſhing the debts of individuals; and that the 4th article of the Treaty of Peace, which ſtipulated that there ſhould be no lawful impediment to the recovery of the full value of all *bona fide* debts, was received with the utmoſt diſguſt in *Virginia*; that it occaſioned an inveterate reſentment againſt Mr. ADAMS and Mr. JAY; and, until the election of Mr. JEFFERSON to the preſidency, was the cauſe of a permanent and implacable hoſtility to all national meaſures.

The definitive Treaty of Peace, between the *United States* and *Great-Britain*, was ſigned at *Paris*, on the 3d of Sept. 1783, in purſuance of proviſional articles. which had been concluded on the 13th of Nov. 1782. There has been much diſpute reſpecting the time when the ſtipulations of this Treaty ought to be conſidered as having commenced. It is not now propoſed to agitate a queſtion, which can never be ſettled. Neither *Great-Britain* nor the *United States*, have ever admitted that they were guilty of the *firſt infraction*. It is, however, certain, that at length the Treaty was infracted by *both parties*; and that the *firſt infraction* on the part of the *United States*, was committed *by the ſtate of Virginia*.

Though, certainly, no new act ought to have been made to prevent the recovery of Britiſh debts: Yet as early as Oct. 1783, an act of aſſembly was paſſed to abſolve debtors from the payment of *money*, even after their debts had been aſcertained by judgments at law. In June, 1784, the aſſembly moreover declared, *that Great-Britain had infracted the Treaty; and that when reparation ſhould be made for the infraction, or Congreſs ſhould judge it indiſpenſably neceſſary, ſuch acts paſſed during the late war, as inhibited*

the recovery of Britiſh debts, ought to be repealed, and payment thereof made, in ſuch time and manner as ſhould conſiſt with the exhauſted ſituation of the commonwealth.

The non-execution of the Treaty of Peace, was the ſubject of repeated diſcuſſions, between Mr. ADAMS, then miniſter of the *United States* to *London*, and the Britiſh government; the reſults of which were communicated to Congreſs, in March, 1786; and as was to have been expected, the violation on our ſide of the article reſpecting debts, was aſſigned as a juſtification for Britiſh infractions.

In April, 1787, Congreſs addreſſed a Letter to the States, in which they expreſſed their *regret, that in ſome of the States too little attention had been paid to the public faith, pledged by the Treaty of Peace.*— They alſo reſolved, *that the Legiſlatures of the ſeveral States could not of right paſs any act or acts, for interpreting, explaining, or conſtruing a National Treaty, or any part or clauſe of it; nor for reſtraining, limiting, or in any manner impeding, retarding, or counteracting, the operation and execution of the ſame; and that all ſuch acts, or parts of acts, as were then exiſting in any of the States, repugnant to the Treaty of Peace, ought to be forthwith repealed.*

To prevent diſputes, and ſave the feelings of the States which had *violated the public faith*, the Letter and reſolution before mentioned, were tranſmitted to *all the States;* and it was recommended to each of them, *to paſs an act, repealing all acts contrary to the Treaty of Peace, rather by deſcribing, than reciting the ſaid acts.* As a reaſon for this reſolution, Congreſs declared, *that by repealing in general terms, all acts repugnant to the Treaty, controverted queſtions would be referred to the Judicial department; and the Courts of law would find no difficulty in deciding whether any particular act or clauſe, was, or was not, contrary to the Treaty.*

In theſe reſolutions, the elementary principles of the federal Conſtitution, in reſpect to the *ſupremacy of treaties*, and the *authority of the Judicial department*, may be diſcerned. All America recollects the imbecility, confuſion and diſgrace, which were experienced in conſequence of a violation of theſe principles; *by whom they were violated*—and with what *views and intereſts*, will now be explained.

The proceedings of the General Convention, which formed the exiſting Conſtitution of the *United States*, were promulgated in *September*, 1787; and though the neceſſity of ſome bond of union, more efficient than the Articles of Confederation, was admitted in every State: Yet the plan offered to the acceptance of the people, was violently oppoſed by the old *Virginia* party.

In December, 1787, *three months after the plan of the preſent Conſtitution had been publiſhed*, and at the moment when a *combination was forming*, to prevent its ratification by the requiſite number of nine ſtates, the Aſſembly of *Virginia*, affecting to comply with the recommendations of Congreſs, paſſed in April, 1787, enacted a law, repealing all ſuch acts or parts of acts of that State, *as had prevented, or might prevent, the recovery of debts due to Britiſh ſubjects, according to the true intent of the Treaty*; but with this extraordinary proviſo, that there ſhould be a *ſuſpenſion of the repeal*, till the Governor, by the advice of Council, ſhould give notice by proclamation, *that Great-Britain had delivered up the northern poſts, and was taking meaſures for the further fulfilment of the Treaty, by delivering up the negroes, or by making compenſation for them.*

When it is conſidered, that the diſputes between *Great-Britain* and the *United States*, were in a courſe of diplomatic diſcuſſion and inquiry, by the proper repreſentatives of the two countries, and other cir-

cumſtances connected with the *time* when this act was paſſed, are duly weighed, all reflecting men muſt admit, that this meaſure was moſt flagitious in principle, and that it threatened to be moſt miſchievous in its conſequences ; and that both the wickedneſs and the miſchief were aggravated, by a groſs inconſiſtency of conduct, and a pointed inſult to the national authority. *Virginia* had arrogated the right of determining, when and to what degree a national Treaty ſhould be executed, as well as the kind of repriſals proper to be made, in caſe of an infraction. Having exerciſed this uſurped right for four years, and expoſed the peace and union of theſe ſtates to the moſt imminent jeopardy, ſhe is requeſted by Congreſs to reſcind acts, which were contrary to natural juſtice and her federal engagements. The requeſt was made in a manner the leaſt offenſive and moſt ſoothing to her pride ; it was addreſſed to *all the ſtates*, without excepting thoſe againſt which not a ſhadow of complaint exiſted. Eight ſtates comply with the requeſt of Congreſs ; two ſtates declare that no laws exiſt with them, repugnant to the Treaty ; two ſtates remain ſilent, but at the ſame time they promptly and cordially adopt the equivalent remedy provided by the plan of national Government. What is done by *Virginia*—the only remaining member of the union ?—By this State, alſo, a law is paſſed, *repealing all acts contrary to the Treaty of Peace ; but the operation of this very repeal is* SUSPENDED ; *not ſubject to the opinion of Congreſs*, but the opinion of the *Governor and Council of Virginia !!!* Thus, inſtead of *repealing* offenſive acts, they were *re-enacted ;* inſtead of *removing lawful impediments*, they were fortified by *new laws ;* inſtead of *forbearing to counteract the operation of the Treaty of Peace*, it was counteracted by a *new declaration !!*—At what *time* was this inſult offered ? Im-

mediately after the ſages and patriots of *America* had formed a plan of government, "TO ESTABLISH JUSTICE," and with an expreſs view to that *ſpecific juſtice*, which *Virginia* had before diſregarded, but which ſhe now openly contemned. But did not *Virginia* cordially ſupport the plan of the Convention? No! While ſhe profeſſed the moſt ſincere attachment to the federal union, and the moſt ardent love of liberty, ſhe deprecated the propoſed plan, as ſubverſive of the rights of ſtates and individuals. When her oppoſition at length became unavailing, and even dangerous to herſelf, ſhe acquieſced, but with a declaration of many objections, which, when analyſed, demonſtrates a *concealed yet inveterate hoſtility to juſtice*. For what were theſe ſacrifices of character and public ſecurity made? Merely to enable a faction of luxurious planters, to defraud their creditors. Severe as theſe remarks may appear, they are juſt; and fortunately for the cauſe of truth, they are ſuſceptible of demonſtration from authentic records.

The plan of the convention, for the purpoſe of ſecuring the fulfilment of *national treaties*, and the obſervance of other contracts, declared, that *treaties ſhould control the conſtitutions and laws of the ſtates*; and that their obſervance ſhould be enforced by an independent *national Judiciary*. The reſtrictions propoſed by *Virginia* upon the exerciſe of *judicial powers*, were moſt important and radical; and extended to the following objects:

1ſt. That Congreſs ſhould erect no *inferior courts*, except courts of *Admiralty*.

2d. That the judicial power of the *United States* ſhould not extend to caſes between a *ſtate and citizens of another ſtate*; nor to caſes *between citizens of different ſtates*; nor to caſes between a ſtate, *or the citizens thereof, and foreign ſtates, citizens and ſubjects*.

3d. That the judicial power ſhould extend to *no caſe*, where the cauſe of action originated *before the ratification of the Conſtitution*, except in diſputes between perſons claiming lands under the grants of different ſtates, and ſuits for debts due to the *United States*.

It is obvious, that the effect of theſe reſtrictions would have been to diveſt the General Government of *all control*, not only over *many* queſtions ariſing under the *Conſtitution and laws of the United States*, but over *all queſtions* relative to *infractions of the 4th article of the Treaty of Peace;* and queſtions reſpecting *debts due by citizens of Virginia*, to citizens of *other ſtates*, and to the citizens and ſubjects of *foreign nations*.

Let it be remembered as a fact worthy of ſpecial notice, that notwithſtanding the vehement oppoſition of *Virginia* to the adoption of the Conſtitution, as being a ſyſtem deſtructive of public freedom; and notwithſtanding the numerous amendments propoſed by this ſtate, *no one of the powers of the general government* were propoſed to be abridged in the *ſlighteſt degree*, except only in relation to the *judicial department*. The objects of the other amendments were merely to declare abſtract principles; to eſtabliſh rules for expounding the Conſtitution; or to vary the ſtructure of the government, or the *mode of exerciſing certain powers*, in a manner calculated to increaſe the relative influence of *Virginia*. Theſe reflections afford no ſlight argument, that *ſtate ambition*, and the deſire of avoiding the payment of "*bona fide debts*," were the principal inducements to thoſe political exertions, which were conſtantly diſguiſed under ſpecious appearances of zeal for the preſervation of liberty.

This conſtruction of the motives of *Virginia*, is not uncandid. In 1788 it was underſtood by all

America, that this ſtate was influenced by ſiniſter and local intereſts. Men of great weight and influence in the ſtate of *New-York*, were oppoſed to the adoption of the National Conſtitution: By concert, the Conventions of *New-York* and *Virginia*, met nearly at the ſame time, and at a late period. There exiſted every inducement, ariſing out of coincident views in reſpect to queſtions of primary importance, that theſe ſtates ſhould either reject the Conſtitution, or concur in propoſing ſimilar amendments. It however appears, that the influence of *Virginia* was inſufficient to induce the ſtate of *New-York* to concur in propoſing thoſe limitations of the Judicial authority, which were ſo anxiouſly deſired. The great commercial advantages of the city of *New-York*; the correct views of its citizens on queſtions relating to private and public credit; its extenſive connections with the ſouthern ſtates, as well as its immediate neighbors, all concurred to evince the importance of an efficient national judiciary. The Convention of *New-York*, therefore, refuſed aſſent to the propoſitions of *Virginia*; and without attempting to impair the powers, which, by the plan of the General Convention, were veſted in the judicial department, they confined their own amendments, ſo as merely to require, that the *inferior courts* of the *United States* ſhould exerciſe an *appellate*, inſtead of an *original* juriſdiction.

It has been aſſerted that the oppoſition of *Virginia* to the National Conſtitution, and particularly to the powers veſted in the *judicial department*, originated in ſiniſter and local intereſts. In ſupport of this allegation, reference is now made to the papers of the Commiſſioners appointed in purſuance of the 6th article of the Treaty of 1794; by which it will appear, that the claims exhibited againſt the *United States*, exceeded *eighteen millions of dollars*. It will

not be pretended, that these *claims* are of themselves evidence of *just demands*; though, on the contrary, it is deemed fair to infer, that the proceedings of those states were just and equitable, where the claims were comparatively inconsiderable, in proportion to their relative commerce with *Great-Britain*.

	Sterling.
The claims exhibited against the *New-England* states, amounted to	£23,000
The states of *New-York* and *New-Jersey*,	180,000
The states of *Pennsylvania* and *Delaware*,	15,000
The whole amount of claims against the states north of *Maryland*, amounted therefore to no more than	£218,000
While those against the five southern states, amounted to	£3,869,000

Of which 8,500,000 dollars, or one half of the whole amount, was claimed of the single State of *Virginia*.

An analysis of the individual claims, would exhibit the disproportion in a more striking point of view, and more fully explain the real motives of the *Virginia* party: Such an investigation would shew that the claims upon *Virginia* were for debts due to *commercial houses*; while those against the states north of *Maryland*, were almost exclusively on behalf of *American loyalists*, who were not entitled to compensation under the Treaty. This will be readily believed by those who recollect, that several opulent families, in the state of *New-York*, were in this predicament. To the honor of *Pennsylvania*, it ought to be mentioned, that except for a few hundred pounds, no demand was presented against this state, except by an individual, who is understood to have been a member of Congress, until the declaration of Independence; and who, in consequence of that measure, united himself to the British party.—

According to the beſt eſtimate which can now be formed, four-fifths of the ſum payable in purſuance of the convention negociated by Mr. KING, will be awarded to the creditors of Virginians.

The inference deducible from theſe facts, is ſtill further confirmed, by a view of the actual operation of the judicial department. Owing to delays incident to the organization of the Federal Courts, and a perſevering diſpoſition to litigate the claims of the Britiſh creditors, no judgments were rendered in *Virginia*, for the recovery of debts contracted before the war, until the year 1793; and the example of the Federal Courts was not followed by the Courts of the ſtate, until one or two years afterwards. Yet, notwithſtanding all theſe diſcouragements, it appears from a ſtatement preſented to Congreſs, by Mr. JEFFERSON, as an argument for aboliſhing the Circuit Courts, that more than one fourth part of the whole number of ſuits, which had been inſtituted in *all the ſtates*, had been inſtituted in the ſtate of *Virginia alone*. It alſo appears, from the ſame ſtatement, that at the time when the abolition of theſe Courts was propoſed, there were depending in the eaſtern diſtrict of *Virginia*, a greater number of ſuits, than in all the ſtates to the eaſtward of *Pennſylvania*. In ſome of theſe ſuits, men of great political influence were perſonally intereſted; in particular, a gentleman, whoſe zeal has been very conſpicuous, declared ſhortly before the election of Mr. JEFFERSON, *that he had a cauſe depending in a Federal Court, which he ſhould certainly loſe; but which he ſhould certainly gain, if it could be tried in a Court of the ſtate of Virginia.* Poſſibly this gentleman expected a favorable reſult, from a meaſure, which rendered the judicial department dependent on the prevailing politics of the ſame ſtate.

But the detail of *Virginia* policy is not yet finiſhed. Before the Federal Courts afforded a remedy to the Britiſh creditors; and while the impediments before deſcribed as exiſting in *Virginia*, remained in full force, Mr. JEFFERSON delivered his celebrated Letter to the Britiſh miniſter, Mr. HAMMOND, on the ſubject of the inexecution of the Treaty of Peace. The manner in which this ſubject was introduced, and afterwards conducted, ſtrongly marks the character of Mr. JEFFERSON; and was productive of difficulties of a moſt perplexing nature, in the ſubſequent operations of the government.

As ſoon as Mr. JEFFERSON diſcovered, that Mr. HAMMOND had no powers to *conclude definitively a Treaty of Commerce*, but merely to *diſcuſs the terms of ſuch a treaty;* the want of this authority, though not uſually granted to reſident miniſters, was treated as an evidence of unfriendly ſentiments, on the part of the Britiſh nation. At that moment oſtenſibly nothing was conſidered as of more importance than a *Treaty with Great-Britain;* and the reſerve of this nation was ſkillfully contraſted with the apparent *zeal for negociation* which was manifeſted on the part of the *French government.*

It being evident that the non-execution of the Treaty of Peace, was an obſtacle to a ſincere reconciliation between the *United States* and *Great-Britain*, Mr. JEFFERSON propoſed to Mr. HAMMOND an exchange of Notes, in which the mutual complaints of the two countries ſhould be *ſpecifically* detailed. A more notable expedient, for fomenting a quarrel, could not have been deviſed; and the event fully juſtified the expectation which might have been formed. As ſome of the laws paſſed during the war, remained in force, though contrary to the Treaty of Peace, Mr. HAMMOND detailed the whole, and referred it to Mr. JEFFERSON, to enumerate

ſuch acts as had become obſolete, or been repealed. This repreſentation afforded Mr. JEFFERSON an opportunity of reviewing the cauſes of the American revolution, and reviving all thoſe paſſions, which it was the object of the treaty to bury in oblivion; the diſcuſſion at once changed its aſpect, and inſtead of *ſettling a diſpute*, the two miniſters, by the addreſs of Mr. JEFFERSON, were employed in the hopeleſs undertaking, of writing *a hiſtory of the war*, in concert.

It has been the fortune of Mr. JEFFERSON's writings to be highly extolled, until they have been critically examined: But it is certain, that though they are ſpecious, and captivating to common minds, their merits are too volatile to endure the teſt of the crucible. It may ſeem invidious, to comment on a paper ſo celebrated as the Letter to Mr. HAMMOND; but it will be remembered, that rumors have circulated, that Mr. JEFFERSON was not the real author. The truth on this ſubject is, that in conſequence of the communications of Mr. ADAMS, while miniſter at *London*, in 1786, Mr. JAY, who was then Secretary of Foreign Affairs, prepared a Report to Congreſs, on the queſtions relating to the Treaty of Peace, which is a monument of the wiſdom, probity and learning of its illuſtrious author. This Report would have been highly uſeful to Mr. JEFFERSON, in preparing the note to Mr. HAMMOND, on the ſame ſubjects. It would have been fortunate for this country and Mr. JEFFERSON's reputation, if a charge of plagiariſm from this Report had been well founded. While the controverſy with *Great-Britain* remained unſettled, remarks on Mr. JEFFERSON's Letter would have been improper; but reaſons for forbearance no longer exiſt; and henceforward Mr. JEFFERSON will be conſidered as the real and *ſole author*, unleſs his friends ſhould *accuſe other members*

of the then adminiſtration of being acceſſaries to a meaſure, from which no degree of credit is any longer to be derived.

The preceding remarks have, as is preſumed, demonſtrated the fact, *that the 4th article of the Treaty was not executed in Virginia, till the year* 1793. The following extracts from Mr. JEFFERSON's Letter, written *before that time*, are now ſubmitted to the judgment of the public.

" Induced, at length, by aſſurances from the Brit-
" iſh Court, *that they would concur in a fulfilment of*
" *the Treaty*, Congreſs, in 1787, declared to the
" ſtates, its will, *that even the appearance of obſtacle*,
" raiſed by their acts, ſhould *no longer continue*, and
" required a *formal repeal* of every act of that nature;
" and to avoid queſtion, required it, as well from
" thoſe *who had not*, as from thoſe *who had paſſed*
" *ſuch acts;* which was complied with ſo fully, that
" no ſuch laws *remained in any ſtate* of the Union,
" EXCEPT ONE; and even *that one* could not have
" forborne, if any ſymptom of compliance from the
" oppoſite party had rendered a *reiterated requiſition*
" from Congreſs important. That indeed the re-
" quiring ſuch a repeal, was only to take away *pre-*
" *text;* for that it WAS AT ALL TIMES PERFECTLY
" UNDERSTOOD, THAT TREATIES CONTROLED
" THE LAWS OF THE STATES; the confederation
" having made them obligatory on the whole; Con-
" greſs having ſo declared and *demonſtrated* them;
" the Legiſlatures and Executives OF MOST OF THE
" STATES having admitted it; and the Judiciaries,
" both of the ſeparate and General Governments ſo
" deciding."

It ought to excite a glow of ſhame on the cheek of every honeſt patriot, that ſuch aſſertions were hazarded; that becauſe *principles had been demonſtrated*, it ſhould be inferred, that theſe principles had in fact

been obſerved as *rules of conduct ;* that Mr. JEFFERSON ſhould begin and end his argument with a *petitio principii*, and aſſert that becauſe "*lawful impediments*" ought *not to have exiſted*, that therefore they *had not exiſted*. Let the friends of Mr. JEFFERSON elect, between admitting that on this important ſubject, he either advanced an argument, as inconcluſive and incoherent as a dream, or after reviewing the conduct of *Virginia*, and particularly the amendments to the national Conſtitution, let them, if they pleaſe, defend his underſtanding, at the expenſe of his ſincerity.

But waving this particular inquiry, what terms of reproach are not applicable to the low cunning of the obſervation, that the requiſition of Congreſs "was complied with ſo fully, that no ſuch laws *remained in any of the ſtates*, EXCEPT ONE?" Who would not underſtand that twelve ſtates had expreſsly repealed all acts repugnant to the Treaty? This, however, was not the fact. Beſides, Mr. JEFFERSON, in his Letter, attempted to impreſs an idea, that *South-Carolina* was the *one ſtate excepted*. This was mean and unfair. The inſtalment law of *South-Carolina* was not pointed againſt *Britiſh creditors ;* but on the contrary, it allowed them the ſame remedies as were allowed to *citizens of the United States*. The conduct of this State had moreover been eminently liberal in the reſtitution of confiſcated eſtates, while the ſtate of *Virginia*, though claſſed with the ſtates which had *complied with the reſolution of April*, 1787, actually paſſed a ſubſequent law, containing a palpable and expreſs violation of the Treaty, and an odious diſcrimination, *to the prejudice of Britiſh creditors*. On the grounds of reaſoning aſſumed by Mr. JEFFERSON himſelf, the *one ſtate* thus mentioned by him, as *a caſual and unimportant exception*, was no other than the ANCIENT DOMINION, where the

debtors principally reſided; whoſe laws had created the *whole controverſy*, and whoſe perverſeneſs had controled and nullified the deciſions of the other ſtates!!—Was it ſeriouſly expected to convince, conciliate or deceive the Government of a wiſe and powerful nation, by a quibble, which would have diſgraced the ſyllogiſm of a ſophimore?

At the cloſe of Mr. JEFFERSON's Letter, the eſſence of all his arguments is condenſed, in a number of conciſe propoſitions, from which certain *reſults* are ſuppoſed to be deducible. One of theſe "reſults" is, "that the *recovery of debts* was obſtructed "*validly* in none of the ſtates, and *invalidly* only in "a few; and that not till long after the infractions "on the other ſide." And the concluding corollary from the whole, by which it was intended for ever to ſilence and ſubdue Mr. HAMMOND, is thus expreſſed: "No *lawful impediment* has been oppoſed "to the proſecution of the juſt rights of your *citi*-"*zens*; and if any inſtances of *unlawful* impedi-"ment have exiſted in any of the inferior tribunals, "they would, like other *unlawful* proceedings, have "been overruled, on an appeal to the higher courts. "*If not overruled there*, a complaint to the Govern-"ment would have been *regular*, and their interfer-"ence *probably effectual*."

We have here a ſpecimen of reaſoning, which has no parallel, except the logic by which, according to RABELAIS, PANURGE, ſeveral centuries ago, obtained a victory over an Engliſhman, in a diſpute concerning *philoſophy*, *geometry*, *and the cabaliſtic art*. In both caſes, the ſuperiority of the *French* ſchool was evinced, by the complete diſcomfiture of their *Engliſh* antagoniſts. Ye grave converts to the ſublime doctrine of *human perfectability*, compoſe your countenances, and liſten to the oracular deductions of the *ſecond* PANURGE.

Congreſs required of all the ſtates "*a formal repeal*" of every act contrary to the Treaty of Peace; this requiſition "*was complied with ſo fully*, that no "ſuch laws remained in any ſtate of the Union, "EXCEPT ONE." It is true, that *eight* ſtates only paſſed the acts of *formal repeal;* but theſe ſtates, and *two others*, had no acts of the kind deſcribed, in force, to be repealed. *Virginia* was the ſtate to which the requiſition *particularly applied.* The act of this ſtate was not only *unrepealed*, but *re-enacted*, in defiance of the requiſition. From this, however, it is to be inferred, that a "*reiterated requiſition*," would have produced a *contrary effect.* The act of *Virginia*, though *re-enacted*, and though actually ſomething more than "*an appearance of obſtacle*" to the recovery of debts, was, as had been "*declared and demonſtrated*" *by Congreſs*, as was "PERFECTLY UNDERSTOOD" by *Virginia* herſelf, "*invalid;*" being *invalid*, the ſaid act was not "*lawful;*" not being *lawful*, it was moſt clearly "*unlawful.*" It has been "*demonſtrated*" that the Treaty *controled all* "*lawful impediments;*" and *unlawful* "*impediments*" were no *violation of the Treaty:* Ergo, THE TREATY WAS NOT VIOLATED. *Quod erat demonſtrandum.* Enlightend doctors of the new ſchool! Are you not convinced? Are you not ſatisfied that Mr. JEFFERSON is the brighteſt luminary of this AGE OF REASON?

Never was a victory more complete. Mr. HAMMOND was aſtoniſhed; and he merely promiſed, that he would tranſmit the Letter for the conſideration of his Government. This, it is to be preſumed, was done; but to this day, Mr. JEFFERSON's arguments remain unrefuted by the Britiſh miniſtry. Whether they comprehended the diſtinction between *valid* and *invalid acts of legiſlation;* and between *lawful* and *unlawful impediments;* or whether they concluded that an *impediment* was not the leſs injurious, for

being "demonſtrated" to be *contrary to the Treaty*, and therefore "unlawful," can only be conjectured. If they thought Mr. JEFFERSON's arguments erroneous, it is unfortunate for our merchants that they did not conſider it *as an error which might be ſafely tolerated;* or that, inſtead of combatting him with the *weapons of reaſon*, in the uſe of which he had proved himſelf to be ſo expert; they reſorted to the unphiloſophical argument of force, which he is known to diſlike.

In the year 1793, the Britiſh commenced an almoſt indiſcriminate war upon the American commerce in the *Weſt-Indies;* the loſſes were principally ſuſtained by the merchants of the eaſtern and middle ſtates. The Virginians, however, manifeſted preeminent zeal in increaſing the public irritation. A general open war ſeemed to be almoſt inevitable. Preſident WASHINGTON recommended ſuitable meaſures of preparation, by erecting forts and arſenals, and increaſing the public forces. The oppoſition appeared to prefer *acts of ſequeſtration and commercial reſtrictions*. To avert, if poſſible, the calamity of war, Preſident WASHINGTON determined to inſtitute a negociation with *Great-Britain;* and on the 16th of April, 1794, he nominated Mr. JAY Envoy Extraordinary, for that purpoſe. Hitherto the Virginians had generally treated the character of the Preſident with a good degree of moderation and reſpect; but on the occaſion of this meaſure, their reſentments were manifeſted in the moſt indecent reproaches. The motive to this animoſity, and of their preceding conduct, was fully explained on the 5th of May, 1794, when Mr. MUNROE moved in the Senate for leave to bring in a Bill, *to ſuſpend the 4th article of the Treaty of Peace with Great-Britain;* or rather, to obviate the old grievance of *Virginia, the payment of bona fide debts contracted before the war.*

There were in the Senate at this time ſeveral members, who were well diſpoſed to gratify the wiſhes of *Virginia*, and who generally voted in oppoſition to the ſyſtem of meaſures recommended by the Preſident. If theſe gentlemen did not poſſeſs ſufficient reſolution to take an active part in *oppoſing improper deſigns*, they were too virtuous to *blaſt a negociation*, which was intended to redreſs our juſt complaints, and procure peace to the country. Theſe members retired when the Senate decided; and the names of MUNROE and TAYLOR,* of courſe, appear *alone* in ſupport of a propoſition, which, conſidering all the circumſtances and time when it was offered, was the moſt indecent which was ever preſented to the Legiſlature.

The Treaty negociated by Mr. JAY, recognized the obligations of the former Treaty, in reſpect to debts contracted before the war; and contained a promiſe of indemnification to the Britiſh creditors, for the loſſes they had ſuſtained by lawful impediments. The machinations by which it was attempted to prevent the ratification by the Preſident and Senate, and the execution by the Houſe of Repreſentatives, are partially known: to relate private anecdotes is not the object of this paper, though ſeveral of them would illuſtrate the ſubject.

After many obſtacles and delays, ariſing from ancient prejudices and jealouſy, and which could alone be obviated by patient inveſtigation, a renunciation of every kind of artifice, trick and chicanery, the treaty has at length been executed. The *United States* are to pay nearly *three millions of dollars*, for the loſſes occaſioned by *lawful impediments*; and it is underſtood that nearly double that ſum has been awarded to citizens of the *United States*, in compenſation for *irregular captures*. During the time the Treaty was in force, the commerce of the *United*

* The two Senators from *Virginia*.

States flouriſhed beyond all former example ; the boundaries of our empire, except to the north-weſtward, were eſtabliſhed ; and what is of immenſe conſequence, a foundation was laid for the preſervation of peace and harmony, and a mutual exchange of kind offices, between two countries, whoſe diſſentions had threatened their moſt important intereſts with ruin. This Treaty, though much cenſured, produced nothing but good ; it has at length, however, expired ; we have now no "*entangling alliance*" with *Great-Britain ;* the reſponſibility is now caſt upon the preſent adminiſtration to conduct the public affairs, with more wiſdom than was manifeſted by their predeceſſors. They will not deny that they aſſumed this reſponſibility, under circumſtances of peculiar advantage. Among theſe, it is not unimportant, that their opponents are open and explicit in their objections : They have no treacherous diſſimulater in their cabinet, who is ſyſtematically counteracting the meaſures he is affecting to advocate ; nor have they to contend with the intrigues, or the bribes of a diplomatic body, accredited to, and acting in concert with an interior faction.

Here is a ſuccinct narrative of events, in relation to a ſubject, which more than any other has agitated the paſſions, and affected the intereſts and condition of the people of this country, during a term of twenty years : An eventful period, in which they have been expoſed to all the evils of anarchy, in conſequence of the imbecility of their Government ; in which they have been expoſed to civil war, by a formal oppoſition to the eſtabliſhment of the exiſting Conſtitution ; and in which they have been moſt imminently expoſed to a war with *Great-Britain*, which muſt inevitably have made them parties to the crimes and horrors of the French revolution, and of courſe involved them in wretchedneſs and

ruin. What bitter paſſions; what unfounded prejudices, have been excited; and what cruel calumnies have been propagated againſt the men who averted theſe evils. Now that the ſcene is cloſed, and the ſame paſſions are beginning to aſſume a new and perhaps not a leſs dangerous direction, will it not be wiſe for the people to recollect, that they were miſled on a moſt important ſubject for a long period; that to the wholeſome, but then unpalatable councils of Mr. JAY and Mr. KING, they probably at this moment owe the preſervation of that liberty, to which they are juſtly attached; and that by the favor of Providence, theſe men ſtill ſurvive their diſtinguiſhed and no leſs virtuous copatriots.

MARCUS.